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12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,) CR No. 12-905-R-3
15)
Plaintiff,) ORDER DENYING DEFENDANT SRI J.
16) WIJEGUNARATNE'S MOTION FOR A
v.) BILL OF PARTICULARS
17)
SRI J. WIJEGUNARATNE,)
18)
Defendant.)
19)
20)

21 IT IS HEREBY ORDERED THAT the Motion for a Bill of
22 Particulars filed by defendant Sri J. Wijegunaratne is DENIED. A
23 defendant may request a bill of particulars where the indictment
24 is insufficient to permit the preparation of an adequate defense.
25 FED. R. CIV. P. 7(f). A bill of particulars is not, however, a
26 vehicle for compelling the government to provide more information
27 to the defendant than the defendant is otherwise entitled through
28 ordinary discovery. Furthermore, a bill of particulars is not

1 warranted where the defendant merely seeks to have the dates,
2 times, overt acts, or identities of co-conspirators specified.
3 United States v. DiCesare, 765 F.2d 890, 897 (9th Cir. 1985).

4 The defendant seeks a bill of particulars to obtain further
5 information about the charges against him; the form of the
6 request, however, is nothing more than a request for additional
7 discovery into the government's theory of the case. On the face
8 of the indictment, the allegations against the defendant are
9 reasonably particularized and provide the defendant with
10 sufficient notice to allow him to prepare an adequate defense.
11 Further, the defendant does not identify any prejudice or
12 surprise that might arise at trial and that could be avoided or
13 minimized by a bill of particulars.

14 In addition, and alternatively, the defendant asks for
15 further discovery pursuant to Federal Rule of Criminal Procedure
16 16(a)(1)(E), Brady, and Giglio. With respect to the defendant's
17 various requests, the government asserts that it has produced all
18 information required by its discovery obligations, and moreover,
19 that it has already produced all the information requested by the
20 defendant's current motion to the extent that such information
21 exists. The defendant does not dispute that the government has
22 provided some information to him, but the defendant does assert
23 that the information provided by the government is not complete
24 or is insufficient in its form.

25 Based on the evidence and arguments presented by the
26 parties, the Court finds that the government has complied with
27 its discovery obligations up to this point, and so long as the
28 government continues to supplement its discovery production as

1 required by the Rules of Criminal Procedure, Brady, and Giglio,
2 and by this Court's standing order, the defendant will have
3 sufficient information to prepare an adequate defense. The
4 government need not provide the information in the most
5 convenient form or at a time most convenient for the defendant.
6 The government has no more than an obligation to disclose the
7 information required by the Rules as it comes into the possession
8 of the government.

9 This is not a case like those cited by the defendant where
10 the government has dumped thousands of pages of documents on the
11 defendant and left him to fend for himself; the quantity of
12 information involved here is significantly smaller than in the
13 cases cited by the defendant, and, significantly, the government
14 provided much of the information in searchable electronic form.
15 For the foregoing reasons, the defendant's motion is denied.

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18 DATED: Jan. 2, 2013



UNITED STATES DISTRICT JUDGE

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21 Presented by:

22
23 /s/
24 FRED MEDICK
25 Trial Attorney
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